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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

<p>CITY OF HENDERSON</p> <p style="text-align: center;">Appellant(s)</p> <p>vs.</p> <p>BASIC WATER COMPANY; BASIC WATER COMPANY SPE 1 LLC; BANK OF NEVADA</p> <p style="text-align: center;">Appellee(s)</p>	<p>Case No.: 2:23-cv-01373-APG Appeal Reference No.: 23-17</p> <p>BK Case No.: 22-13252-mkn Chapter: 11</p> <p>STIPULATION AND ORDER TO DISMISS APPEAL</p> <p>Jointly administered with: Basic Water Company SPE 1, LLC, Case No. 22-13253-MKN</p>
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City of Henderson (“COH” or “Appellant”), by and through its undersigned counsel, the law firm of Carlyon Cica Chtd., and Appellees Basic Water Company (“BWC”), Basic Water Company SPE 1, LLC (“SPE”) and Bank of Nevada (“BOA”) by and through their undersigned counsels of record hereby stipulate and agree as follows:

WHEREAS, on August 15, 2023, the Bankruptcy Court entered its Order on Motion for Allowance and Payment of Administrative Claim¹ [ECF No. 465]; and

WHEREAS, on August 28, 2023, COH filed its Notice of Appeal and Statement of Election [ECF No. 482]; and

¹ All references to “ECF No.” are to the numbers assigned to the documents filed in the bankruptcy case as they appear on the docket maintained by the clerk of the court.

1 WHEREAS on September 5, 2023, the Notice of Appeal was docketed with the United
2 States District Court; and

3 WHEREAS, Debtors, Basic Water Company and Basic Water Company SPE 1, LLC, have
4 reached an agreement with respect to the subject matter of this appeal, which is subject to approval
5 through the Debtors' pending First Amended Joint Plan of Reorganization for Basic Water
6 Company and Basic Water Company SPE 1, LLC under Chapter 11 of the Bankruptcy Code dated
7 August 25, 2023 [ECF No. 473] (the "Plan"), which the hearing was held on October 10, 2023 at
8 9:30 a.m.; and

9 WHEREAS, On October 20, 2023, the Bankruptcy Court entered its Order Granting
10 Debtors' Motion to Approve Settlement with City of Henderson, et al. Pursuant to Bankruptcy Rule
11 9019 [ECF No. 570]; and

12 WHEREAS, on November 15, 2023, the Bankruptcy Court entered its Findings of Fact,
13 Conclusions of Law, and Order Confirming Debtors' First Amended Joint Plan of Reorganization
14 [ECF No. 582]; and

15 WHEREAS, on November 20, 2023, Debtor filed its Notice of Effective Date of Debtors'
16 Plan of reorganization [ECF 585]. Effective Date of the Plan is November 17, 2023.

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1 **IT IS HEREBY STIPULATED** based on the foregoing; the Parties agree that the above-
2 captioned appeal shall be dismissed with each Party to bear its own fees and costs.

3 **IT IS SO STIPULATED**

4 **CARLYON CICA CHTD.**

5 By: /s/ Tali J. Frey, Esq
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20 **ORDER**

21 **IT IS SO ORDERED:**

22 
23 UNITED STATES DISTRICT COURT JUDGE

24 DATED: December 1, 2023